

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ONEY J. BAKER,

Defendant.

CR-13-10-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 12, 2020. (Doc. 60.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 11, 2020. (Doc. 57.) The United States accused Baker of violating his conditions of supervised release 1) by failing to attend substance abuse treatment; 2) by failing to attend substance abuse testing; 3 by failing to report to his probation officer as directed;

and 4) by failing to notify his probation officer of a change of residence; and 5) by committing another crime. (Doc. 53.)

At the revocation hearing, Baker admitted that he had violated the conditions of his supervised release 1) by failing to attend substance abuse treatment; 2) by failing to attend substance abuse testing; 3 by failing to report to his probation officer as directed; and 4) by failing to notify his probation officer of a change of residence; and 5) by committing another crime. (Doc. 57.) Judge Johnston found that Baker's violations warrant revocation, and recommended that Baker be incarcerated for 7 months, with credit for time served, with 29 months of supervised release to follow, with the first 6 months of supervised release at a secure inpatient drug treatment facility such as True North in Billings, Montana. (Doc. 60 at 4.) Baker waived his right to allocute before the undersigned and the 14 day right to appeal. (Doc. 57.)

The violations prove serious and warrant revocation of Baker's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Oney J. Baker be incarcerated for a term of 7 months, with credit for time served, with 29 months of

supervised release to follow, with the first 6 months of supervised release at a secure inpatient drug treatment facility, such as True North in Billings, Montana.

DATED this 13th day of February, 2020.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath the name.

Brian Morris
United States District Court Judge